

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles Landrum on June 10, 2008.

The application has been amended as follows:

In the claims:

Please amend claims 3-12, by replacing the term "derivative" in line 1 of each of the claims with -- compound --.

In claim 13, delete: "claim 1" and in place insert: -- claim 2 --.

In claim 17, delete: "claim 1" and in place insert: -- claim 2 --.

(Copy of claims as amended by the examiner's amendment are enclosed in Appendix)

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The closest reference of record, Chu et al. teaches (2*S*,6*S*)-2-*tert*-Butyl-1-carbomethoxy-6-carboxy-4-pyrimidone (see compound 7 in page 1801). The reference disclosed compound contains a *tert*-butyl group (i.e., an alkyl having 4 carbon atoms) at the 2-position of the pyrimidone ring. The instant claims differ by requiring that the substituent at the 2-position of the pyrimidone ring R¹ to be a hydrocarbon of at least 5 carbon atoms. The reference discloses compound 7 as an intermediate in the preparation of 2,3-dihydropyrimidinone compounds and does not specifically disclose any other use for the compound. Therefore, the reference does not provide any motivation to one of ordinary skill in the art to modify the reference disclosed compound.

Note: MPEP § 2144.09 provides that 'claimed compounds may not be *prima facie* obvious over reference intermediates'. If the prior art merely discloses compounds as intermediates in the production of a final product, one of ordinary skill in the art would not have been motivated to stop the reference synthesis and investigate the intermediate compounds with an expectation of arriving at claimed compounds which have different uses. *In re Lulu*, 747 F.2d 703, 223 USPQ 1257 (Fed. Cir. 1984).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deepak Rao whose telephone number is (571) 272-0672. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

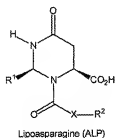
**/Deepak Rao/
Primary Examiner
Art Unit 1624**

June 16, 2008

APPENDIX

Listing of claims as amended by examiner's amendment:

1. (Canceled)
2. (Previously amended) A fatty amino acid compound, wherein the fatty amino acid compound or carboxylate salt thereof has a formula of:



wherein R¹ and R² are each, independently, a linear, branched, saturated and/or unsaturated hydrocarbon, or a combination thereof, wherein R¹ is a hydrocarbon of at least 5 carbon units; and

X is an O group or a CH₂ group.

3. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 2, wherein R¹ and R² are the same.
4. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 2, wherein R¹ and R² are the different.
5. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 2, wherein R¹ and R² are a hydrocarbon of at least 5 carbon units.
6. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 5, wherein the hydrocarbon is a linear hydrocarbon.

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7. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 5, wherein the hydrocarbon is a saturated hydrocarbon.
8. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 5, wherein at least one of R^1 and R^2 is a linear saturated hydrocarbon of at least 10 carbon units.
9. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 8, wherein at least one of R^1 and R^2 is a linear saturated hydrocarbon of at least 15 carbon units.
10. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 9, wherein at least one of R^1 and R^2 is a linear saturated hydrocarbon of at least 20 carbon units.
11. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 2, wherein X is an O group.
12. (Currently amended) The fatty amino acid ~~derivative~~ compound of claim 2, wherein X is a CH_2 group.
13. (Currently amended) A liposome comprising the fatty amino acid compound of ~~claim 1~~ claim 2.
14. - 16. (Canceled)
17. (Currently amended) A food comprising the fatty amino acid compound of ~~claim 1~~ claim 2.
18. - 29. (Canceled)